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James Peter Aston

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**REGULATING THE ENVIRONMENTAL AND SOCIOECONOMIC IMPACTS  
OF SHIPPING AND OTHER VESSEL BASED ACTIVITIES IN THE GREAT  
BARRIER REEF MARINE PARK AND WORLD HERITAGE AREA**

A thesis submitted in fulfilment of the requirements for the award of the degree

**DOCTOR OF PHILOSOPHY**

from

**UNIVERSITY OF WOLLONGONG**

by

**James Peter Aston, MSc**

Australian Centre for Ocean Resources and Security

Faculty of Law

University of Wollongong

2008

## **CERTIFICATION**

I, James Peter Aston, declare that this thesis, submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the Faculty of Law, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

James P. Aston

8 February 2008

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## ABSTRACT

The Great Barrier Reef sustains a variety of commercial and recreational activities and livelihoods including fishing, tourism, recreation and shipping. Those activities pose a source of harm to the biodiversity, use and amenity values of the Great Barrier Reef Marine Park and World Heritage Area. The threat of day-to-day shipping operations on the Reef's ecosystem is largely unquantified but could represent a not inconsequential contribution to the overall levels of contaminants entering the Marine Park, potentially diminishing the amenity or water quality at sites which are already affected by other activities or susceptible to influxes of land sourced pollutants. There is also the potential for more serious impacts to the outstanding natural, social and economic values of the region following a major shipping accident.

While the Great Barrier Reef Marine Park Authority is the principal custodian of the Great Barrier Reef Marine Park, the administration of a suite of measures to regulate all ships and vessel activities in the region is shared with two other Commonwealth government authorities and one state government authority. The complexity of international and domestic shipping and environmental protection laws presents many challenges for the region's responsible management. This thesis examines the environmental and socioeconomic impacts to the Reef from the operations of ships and other vessel based activities and the practical application and effect of regulatory measures that have been developed and implemented to remedy those impacts. It describes the origins, development and implementation of the key ship routing initiatives in the form of compulsory pilotage, a vessel traffic service and provisions under the *Great Barrier Reef Marine Park Zoning Plan 2003* to control use and access to high conservation zones. It also analyses recent developments at international and national law prescribing actions that can be taken to deal with operational vessel sourced waste discharges, the administrative arrangements for dealing with a maritime casualty as well the preparedness and response to oil and chemical spills.

A significant part of the intellectual value of the thesis is derived from analysing the operation and interaction of international, Commonwealth and Queensland State marine pollution legislation and identifying issues which could affect the efficacy of those laws and related measures in protecting the Great Barrier Reef Marine Park and World Heritage Area. The findings of the research support the premise that shipping and other vessel based activities within the Great Barrier Reef are generally conducted to a high standard. Nonetheless, as shipping and other vessel based activities continue to expand within the region, so does the risk of an accident or marine pollution event. It is suggested that the ship regulatory authorities should judiciously apply the precautionary principle and keep under review the widest possible range of ship safety, marine pollution prevention and environmental standards and measures available under international law to ensure the Great Barrier Reef remains a national and international icon.

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Rhonda Banks munificently prepared all of the maps; Jeff Shearin compiled the statistics to define the extent of the jurisdictional boundaries in the region; and Paul Tudman gave me permission to use a range of datasets and maps held by the Great Barrier Reef Marine Park Authority's Spatial Data Centre;

The Great Barrier Reef Marine Park Authority's librarians' Jenny Zadkovitch and Suzie Davies purchased or sourced many of the reference materials for the research;

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The research was undertaken on a part time basis over four years whilst I was employed by the Great Barrier Reef Marine Park Authority (Shipping Programme) and the Department of Agriculture, Fisheries and Forestry (Invasive Marine Species Taskforce). My former supervisor at the Great Barrier Reef Marine Park Authority, Gregor Manson, and my current supervisor at the Department of Agriculture, Fisheries and Forestry, Andrew Johnson, are thanked for granting me study leave to undertake the project.

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## LIST OF ABBREVIATIONS AND ACRONYMS

2001 Review	2001 Review of Ship Safety and Pollution Prevention Measures in the Great Barrier Reef
AIS	Automatic Identification System
AMSA	Australian Maritime Safety Authority
ATBA	Area to be Avoided
Bunkers Convention	International Convention on Civil Liability for Bunker Oil Pollution Damage 2001
CBD	Convention on Biological Diversity 1992
CLC 92	International Convention on Civil Liability for Oil Pollution Damage and the 1992 Protocol
COLREGS	International Regulations for Preventing Collisions at Sea 1972
Infrastructure Department	Department of Infrastructure, Transport, Regional Development and Local Government
Environment Department	Department of the Environment, Water, Heritage and the Arts
EEZ	Exclusive economic zone
EPA	Queensland Environment Protection Agency
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
Fund 92	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage and the 1992 Protocol
GESAMP	Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection
GBRMP Act	<i>Great Barrier Reef Marine Park Act 1975 (Cth)</i>
GBRMPA	Great Barrier Reef Marine Park Authority
GBRWhA	Great Barrier Reef World Heritage Area
HNS Convention	International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996
IMO	International Maritime Organisation
Intervention Convention	International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969
London Convention Protocol	1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972
LLMC	International Convention on the Limitation of Liability for Maritime Claims 1976

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LOSC	United Nations Convention on the Law of the Sea 1982
Marine Park	Great Barrier Reef Marine Park
MARPOL	International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978
MEPC	Marine Environment Protection Committee
MPA	Marine Protected Area
MSC	Marine Safety Committee
MSQ	Maritime Safety Queensland
National Plan	National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances
OPRC	International Convention on Oil Pollution, Response and Co-operation 1990
OPRC-HNS Protocol	Protocol on Preparedness, Response, and Cooperation to Pollution Incidents by Hazardous & Noxious Substances 2000
OSRICS	Oil Spill Response Incident Control System
P&I Club	Protection and Indemnity Club
POI Act	<i>Protection of the Sea (Powers of Intervention) Act 1981 (Cth)</i>
POTS Act	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth)</i>
PSC	Port State Control
PSSA	Particularly Sensitive Sea Area
Reef	Great Barrier Reef
REEFCENTRE	Operational centre located at Hay Point in Queensland which administers REEFREP and REEFVTS
ReefPlan	Oil spill contingency policy document for the Great Barrier Reef World Heritage Area
REEFREP	Great Barrier Reef and Torres Strait Ship Reporting System
REEFVTS	Great Barrier Reef and Torres Strait Vessel Traffic System
Region	Great Barrier Reef Region
SDR	Special drawing rights
SOLAS	International Convention for the Safety of Life at Sea 1974, as amended
TOMPA	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>
TOMSA	<i>Transport Operations (Marine Safety) Act 1994 (Qld)</i>
WHC	World Heritage Convention
Zoning Plan 2003	<i>Great Barrier Reef Marine Park Zoning Plan 2003</i>